



Roll Call Number

120389

Agenda Item Number

17-J(A)

Date: March 12, 2012

RESOLUTION FIXING DATE, TIME AND PLACE FOR PUBLIC HEARING ON
ASSESSMENT OF A \$500.00 PENALTY TO AZEZA INC. d/b/a DES MOINES FOOD AND LIQUOR
5000 SW 9TH STREET FOR VIOLATION OF IOWA ALCOHOLIC BEVERAGE LAWS

WHEREAS, an employee of Azeza Inc. d/b/a Des Moines Food and Liquor sold an alcoholic beverage to a person under legal age at their place of business at 5000 SW 9th Street in violation of Des Moines Ordinance 10-6(9); and

WHEREAS, Iowa Code Section 123.39 permits a local authority (city council) to suspend, revoke, or impose a civil penalty upon license/permit holders who violate the alcoholic beverage laws; and

WHEREAS, Iowa Administrative Rule 185-4.8 (123) provides that violations of the alcoholic beverage laws by any employee, agent, or servant of a license or permit holder shall be deemed the act of the licensee or permittee and subject the license or permit holder to suspension or revocation; and

WHEREAS, the violation is the first violation for this license/permit holder; and

WHEREAS, Municipal Code Section 10-13(c)(1) provides that for a first violation of Municipal Code Section 10-6(9) the city shall impose a civil penalty in the amount of \$500.00 in lieu of a suspension; and

WHEREAS, Iowa law provides that the local authority shall retain the civil penalties where the proceeding to impose the penalty is conducted by the local authority;



Roll Call Number

12-0389

Agenda Item Number

17-I(A)

Date: March 12, 2012

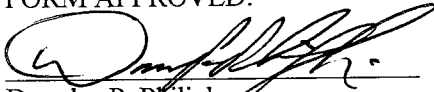
(2)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that:

1. A public hearing is hereby set for March 26, 2012 at 5:00 P.M. in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, IA, for the purpose of providing the liquor license holder an opportunity to be heard concerning the proposed assessment of a \$500.00 penalty for sale of an alcoholic beverage to a person under legal age.
2. The City Clerk is directed to notify the license holder by sending through ordinary mail a copy of this resolution at least 10 days in advance of the scheduled hearing.
3. The license holder may pay the \$500.00 civil penalty to the City of Des Moines at the City Clerk's Office in advance of the scheduled public hearing if they do not wish to be heard.

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

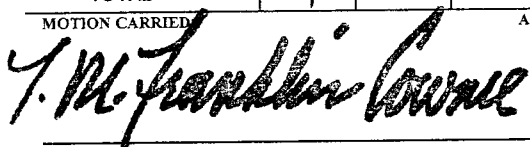

 Douglas P. Philip
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.


 T. M. Franklin
 Mayor


 Diane Rauh
 City Clerk